

Message Text

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ORIGIN L-03

INFO OCT-01 AF-08 ISO-00 EB-08 SS-15 NSC-05 PRS-01 IO-13
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FM SECSTATE WASHDC
TO AMEMBASSY DAR ES SALAAM
INFO AMEMBASSY NAIROBI

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E.O. 11652: N/A

TAGS: PFOR, CPRS, ECIN, TZ, KE

SUBJECT: AVIS RENTAL CARS ABANDONED IN TANZANIA

REF: DAR ES SALAAM 0683

1. FOLLOWING IS GENERAL BACKGROUND MATERIAL ON LEGAL
ASPECTS OF SEIZURE OF AMERICAN-OWNED PROPERTY, AS
REQUESTED REFTEL.

2. THE U.S. VIEW IS THAT INTERNATIONAL LAW REQUIRES
SEIZURES OF PROPERTY OF FOREIGN NATIONALS TO OCCUR ONLY
FOR NON-DISCRIMINATORY PUBLIC PURPOSES, AND BE ACCOMPANIED
BY PAYMENT OF PROMPT, ADEQUATE AND EFFECTIVE COMPENSATION.
THREE PROVISIONS OF U.S. LAW PROVIDE FOR THE APPLICATION
OF SANCTIONS AGAINST ANY COUNTRY WHICH SEIZES PROPERTY AT
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LEAST 50 PERCENT BENEFICIALLY OWNED BY U.S. CITIZENS
WITHOUT TAKING THE REQUIRED STEPS TOWARD PAYMENT OF SUCH
COMPENSATION. HICKENLOOPER AMENDMENT (SECTION 620(E)(1)
OF FAA OF 1961) PROVIDES FOR SUSPENSION OF BILATERAL
ASSISTANCE, GONZALEZ AMENDMENT (WHICH APPEARS IN SEVERAL
STATUTES INCLUDING SECTION 12 OF INTERNATIONAL DEVELOP-
MENT ASSOCIATION ACT OF 1960) FOR U.S. VOTE IN INTERNATIONAL

DEVELOPMENT INSTITUTIONS AGAINST LOANS OR OTHER UTILIZATION OF FUNDS FOR BENEFIT OF OFFENDING COUNTRY, AND SECTION 502(B)(4) OF TRADE ACT OF 1974 FOR REMOVAL FROM GSP LIST.

3. THESE SANCTIONS HAVE ONLY RARELY BEEN FORMALLY INVOKED. HICKENLOOPER WAS INVOKED AGAINST CEYLON IN 1963, GONZALEZ RECENTLY AGAINST CONGO (BRAZZAVILLE), AND SECTION 502(B)(4) AGAINST DEM. REP. OF YEMEN. FYI: SECTION 502(B)(4) NOW IN PROCESS OF BEING INVOKED AGAINST CONGO (BRAZZAVILLE). END FYI.

4. HOWEVER, USG HAS PROCEEDED VIGOROUSLY IN MANY OTHER INSTANCES OF SEIZURES OF PROPERTY SUBSTANTIALLY OWNED BY U.S. CITIZENS TO PROTEST ANY SEIZURES WHICH ARE DISCRIMINATORY IN CHARACTER OR DO NOT SERVE A LEGITIMATE PUBLIC PURPOSE, TO ENCOURAGE EXPROPRIATING GOVERNMENT TO ACKNOWLEDGE AND CARRY OUT ITS INTERNATIONAL OBLIGATIONS WITH RESPECT TO COMPENSATION, AND TO STIMULATE PROMPT NEGOTIATIONS BETWEEN PARTIES TO ARRIVE AT MUTUALLY SATISFACTORY RESOLUTION OF COMPENSATION ISSUE. FYI: USG IS PRESENTLY CONSULTING WITH SEVERAL AFRICAN COUNTRIES IN THIS REGARD, INCLUDING NIGERIA, ETHIOPIA, KENYA, AND (AS YOU KNOW) TANZANIA. END FYI.

5. ABOVE IS OF COURSE VERY GENERAL BACKGROUND. IF YOU NEED MORE SPECIFIC GUIDANCE ON PARTICULAR ASPECTS, PLEASE ADVISE. WE WOULD FIND IT USEFUL TO KNOW: (1) ALLEGED TANZANIAN PURPOSE OF SEIZURES; (2) DEGREE OF U.S. OWNERSHIP OF VEHICLES; AND (3) TANZANIAN INTENTIONS WITH LIMITED OFFICIAL USE

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REGARD TO RETURN OF VEHICLES, OR COMPENSATION FOR ANY VEHICLES WHICH THEY DO NOT INTEND TO RETURN.

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Message Attributes

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